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FOR EAP/MTS, EAP/RSP, AND G/TIP

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SUBJECT: MALAYSIA'S NEW ANTI-TRAFFICKING SECRETARIAT

REF: A. KUALA LUMPUR 940 -- FINNISH COMPANY ASSISTS
VICTIMS

- [¶](#)B. KUALA LUMPUR 934 -- AMBASSADOR'S LETTERS
- [¶](#)C. KUALA LUMPUR 880 -- POST DELIVERS ACTION PLAN
- [¶](#)D. STATE 99723 -- TIP ACTION PLAN
- [¶](#)E. KUALA LUMPUR 495 -- BURMESE ALLEGE BEING
TRAFFICKED
- [¶](#)F. KUALA LUMPUR 448 -- AMBASSADOR MEETS WOMEN'S
MINISTER
- [¶](#)G. KUALA LUMPUR 422 -- ACCUSED TRAFFICKER CHARGED
- [¶](#)H. KUALA LUMPUR 212 -- GOM SHELTERS TIP VICTIMS
- [¶](#)I. KUALA LUMPUR 147 -- MALAYSIA TIP REPORT

Summary and Comment

[¶](#)1. (SBU) Polcouns and Poloff met with Malaysian officials leading the newly established anti-trafficking in persons (TIP) Secretariat, located in the Home Ministry, on October [¶](#)23. Polcouns reviewed U.S. recommendations for anti-TIP measures in Malaysia, outlined the 2008 U.S. TIP report process, and highlighted concerns over reported trafficking of refugees and forced labor. The Secretariat officials noted difficulties in victim identification and limited law enforcement skills as challenges in combating TIP. The officials informed us of four trafficking prosecutions currently in the courts, the formation of a police anti-TIP task force, and several TIP training initiatives, including a regional workshop hosted by Malaysia.

[¶](#)2. (SBU) Comment: Malaysia's TIP Secretariat is at a nascent stage. In theory, in the future it could play a vital role in disseminating TIP information across multiple agencies, identifying needed training and technical assistance, and generating policy recommendations for the national Council for Anti-Trafficking. We found the Secretariat's small staff keenly aware of Malaysia's tier ranking in the U.S. TIP report and open at this point to further engagement with the Embassy. We should seek meaningful ways to support the Secretariat's engagement on TIP, including through information-sharing and technical assistance. End Comment.

Home Ministry Establishes TIP Secretariat

[¶](#)3. (SBU) Polcouns and Poloff on October 23 called on officials leading the newly established anti-trafficking in persons Secretariat within Malaysia's Home Ministry, which has responsibility for coordinating the government's anti-TIP efforts. Under Secretary Ahmad Ismail, who heads the Secretariat, and his deputy Haslinda Mohamad Tajudin informed us that the office has been authorized 27 personnel (professional and clerical), with one third of the slots filled since the Secretariat became operational in September. The Secretariat's organization supports the national Council for Anti-Trafficking in Persons, and its three committees

(Legislative, Enforcement, and Protection and Rehabilitation). The creation of the Secretariat fulfills one requirement in the 2007 Anti-TIP Act, which came into full force at the end of February 2008 (ref I).

Polcouns Highlights TIP Concerns

14. (SBU) During the 90-minute meeting, PolCouns highlighted U.S. and international attention to trafficking crimes in Malaysia, the Malaysian government's efforts to combat TIP, and our interest in coordinating with the Secretariat. Polcouns reviewed U.S. recommendations for anti-TIP measures in Malaysia ("the action plan"), including the importance of law enforcement actions, and outlined the 2008 U.S. TIP report process, which was delivered to the Foreign Ministry on September 24, and subsequently to other ministries (ref C). Polcouns raised concerns regarding allegations of Immigration Officers involved in the trafficking of Burmese refugees (ref E), noting the Ambassador's recent letter to the Home Minister and Foreign Minister on this matter (ref B), and U.S. congressional attention. He stated the USG would welcome and view positively proactive steps by the GOM to address this issue. Ahmad stated he was aware of the allegations of trafficking of refugees and appreciated the additional information, and indicated the government was reviewing the allegations and courses of action. PolCouns also reiterated the Ambassador's interest in visiting the Women's Ministry TIP victims' shelters (ref F and H).

15. (SBU) Polcouns raised the issue of labor trafficking, noting several high-profile cases (ref A). Polcouns

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reiterated concerns over the confiscation of foreign workers' passports as a practice that renders migrant workers more vulnerable to trafficking. Ahmad replied this was a "normal" practice in Malaysia and that the GOM had agreements with Indonesia allowing employers to confiscate employee passports. He also pointed out the Immigration Department's introduction of a new identity card for foreign workers and students. The card would act as proof of legal status, allow workers to move freely within Malaysia without their passports, and thereby reduce their vulnerability to trafficking.

U/S Ahmad Realistic in Assessing GOM Capabilities

16. (SBU) Ahmad openly discussed the challenges facing the GOM as it attempts to combat trafficking. Identifying trafficking victims remained difficult for government officers. Law enforcement agencies, which lack TIP experience, also faced challenges managing/investigating trafficking cases. Ahmad emphasized the GOM's commitment to building capacity through various training events and engaging regional countries, which are often source countries, on best practices to confront TIP. Ahmad noted the Secretariat's willingness to work with U.S. agencies to increase the GOM's capability to combat effectively TIP.

17. (SBU) Haslinda briefed us on recent GOM efforts to combat TIP. Since the new TIP law went into force on February 28, 2008, law enforcement officials rescued 54 suspected TIP victims; court officials confirmed eight as victims. The GOM repatriated five of the eight while the remaining three remain as witnesses for pending prosecutions of the suspected traffickers. She informed us that four trafficking cases were moving through the legal system while a fifth was delayed when the suspected traffickers absconded. Haslinda noted challenges faced by authorities trying to identify and legally certify victims under the law, including magistrates not concurring with victim status and victims hesitant to be forthcoming with police and Women's Ministry protection officers. To assist in court proceedings, the Registrar of the High Court recently produced and disseminated new

guidelines to magistrates for dealing with TIP cases.

Police Stand Up Task Force; New Shelter Planned

18. (SBU) Haslinda informed us the police recently established a TIP task force (currently with a total of 10 personnel). She also confirmed GOM plans to open more TIP shelters, with Kota Kinabalu in Sabah, East Malaysia, as the likely location of the next shelter. Haslinda stated the GOM was working with the Australian government on anti-TIP/people smuggling training. The police conducted in-house training workshops and sponsored a regional consultation in Kuala Lumpur, which took place October 28-30. Representatives from Singapore, Thailand, Indonesia, and the Asia Regional Trafficking in Persons project (ARTIP) attended the workshop as did representatives from key Malaysian agencies, such as the Women's Ministry and Attorney General's Office. The event focused on trafficking for sexual exploitation. Embassy FSN political assistant attended the training at the invitation of the Malaysian police.

KEITH